

Appl. No. 10/719,258
Atty. Docket No. 9433
Amdt. dated 16 March 16, 2006
Reply to Office Action of December 16, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 1-11 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to add the phrases, "wherein the insertion end comprises the first width dimension x and a second width dimension y and the withdrawal end comprises a first width dimension x¹ and a second width dimension y¹"; "a first width dimension x¹" and "a second width dimension y¹". Support for the amendment is found at page 6, lines 25-28 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102 Over Schoelling (U.S. 2002/0151859)

Claims 1, 4 and 9-11 have been rejected under 35 U.S.C. §102(b) as being anticipated by Schoelling.

With respect to the novelty of claims 1, 4 and 9-11: Applicant respectfully traverses the rejection as Schoelling fails to disclose or teach a tampon for feminine hygiene which comprises an insertion end, a withdrawal end, a longitudinal axis, and an outer surface, wherein the outer surface of the tampon comprises a plurality of raised portions, each of said raised portions comprising a first width dimension x, a first width dimension x¹ and a second width dimension y, and a second width dimension y¹, wherein the insertion end comprises the first width dimension x and a second width dimension y and the withdrawal end comprises a first width dimension x¹ and a second width dimension y¹; and wherein said first width dimension x is greater than said second width dimension y.

Accordingly, Applicant respectfully submits that claims 1, 4 and 9-11 are novel over Schoelling and the rejection should be withdrawn.

Appl. No. 10/719,258
Atty. Docket No. 9433
Amdt. dated 16 March 16, 2006
Reply to Office Action of December 16, 2005
Customer No. 27752

Double Patenting

Claims 1, 4 and 9-11 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/719,785.

Applicants are willing to file a terminal disclaimer to obviate a provisional double patenting rejection upon allowance of patentable subject matter if still required.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §102(b). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied reference. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-11 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By James E. Oehlenschlaeger
Signature

James E. Oehlenschlaeger

Typed or Printed Name

Registration No. 50,164

(513) 634-3447

Date: 16 March, 2006
Customer No. 27752